IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 19134 of 2004

Between:

N.J.M.Rao, S/o N.Narsimha Rao,aged 35 years,

E-252197, Conductor,
Nalgonda APSRTC Bus Depot, Nalgonda

..... PETITIONER

AND

1 The Regional Manager, APSRTC Nalgonda Region at Nalgonda
2 The Depot Manager, APSRTC Nalgonda Bus Depot, Nalgonda
3 The Depot Manager, APSRTC Devarakonda Bus Depot,

Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondent No.2 in postponing one annual increment for a period of one year with cumulative effect without conducting regular enquiry as bad, arbitrary, illegal, unjust and unreasonable and against to the judgments of this Hon'ble Court and apex court and consequently set aside the final order No.02/104(453)/90/DVK dated 18-3-1991.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court made the following:

ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He was charged for an irregularity in collecting fare and issuing tickets to the passengers. He submitted his explanation. The 3rd respondent passed an order on 18.03.1991 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the 3rd respondent is illegal and to direct the 3rd respondent to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of one increment with cumulative effect, imposed by the

3rd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of one increment without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increments on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC, Nalgonda Region

at Nalgonda

2. The Depot Manager, APSRTC,

Nalgonda Bus Depot, Nalgonda

3. The Depot Manager, APSRTC,

Devarakonda Bus Depot, Nalgonda

4. Two CD copies.